

**Macco & Stern, LLP**  
*Attorneys for the Debtors*  
135 Pinelawn Road, Suite 120 South  
Melville, New York 11747  
(631) 549-7900  
Michael J. Macco, Esq.

Hearing Date: November 10, 2015  
Time: 10:00 a.m.  
Objections Due: November 3, 2015  
Time: 5:00 p.m.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

X Case No. 15-74021 (LAS)

JACK GISMONDI and  
CHRISTINE ROCKSON-GISMONDI,

Debtors.

X

**NOTICE OF DEBTOR'S MOTION TO EXCUSE  
APPEARANCE AT THE FIRST MEETING OF CREDITORS**

PLEASE TAKE NOTICE, that, by the motion (the "Motion"), dated September 28,  
2015, Jack Gismondi and Christine Rockson-Gismondi (the "Debtors"), the above-referenced  
debtors, by and through their counsel, Macco & Stern, LLP, before the Honorable Louis A.  
Scarcella United States Bankruptcy Judge, Eastern District of New York, at the Courthouse  
located at 290 Federal Plaza, Central Islip, New York, Room 760, on November 10, 2015 at  
10:00 a.m., or as soon thereafter as counsel may be heard, will move the Court for an order  
excusing the appearance of Christine Rockson-Gismondi ("Christine") at the First Meeting of  
Creditors (the "§341 Meeting") pursuant to §341 of title 11 of the United States Code (the  
"Bankruptcy Code"), and instead permit the §341 Meeting to be conducted only as against her  
husband, Jack Gismondi, the co-Debtor.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the  
Motion must conform to the Bankruptcy Rules and Local Bankruptcy Rules for the Eastern  
District of New York, as modified by any administrative orders entered in this case, and be filed  
with the Bankruptcy Court electronically in accordance with General Order 461, be registered

users of the Bankruptcy Court's filing system and, by all other parties in interest, on a 3.5 inch disk, in portable document format (PDF), WordPerfect, Microsoft Word DOS text (ASCII) or a scanned imaged of the filling, with a hard copy delivered directly to Chambers, and may be served in accordance with General Order 462, and upon (i) counsel to the Debtor, Macco & Stern, LLP, 135 Pinelawn Road, Suite 120 South, Melville, New York 11747; and (ii) the Office of the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722, so as to be received no later than **November 3, 2015 at 5:00 p.m.**

Dated: September 29, 2015  
Melville, NY

**MACCO & STERN, LLP**  
Attorneys for the Debtors

By:

  
Michael J. Macco  
A Member of the Firm  
135 Pinelawn Road, Suite 120 South  
Melville, New York 11747  
(631) 549-7900

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

Case No. 15-74021 (LAS)

JACK GISMONDI and  
CHRISTINE ROCKSON-GISMONDI,

Debtors.

X

**DEBTOR'S MOTION TO EXCUSE  
APPEARANCE AT THE FIRST MEETING OF CREDITORS**

Jack Gismondi and Christine Rockson-Gismondi, the above-referenced debtors (the “Debtors”), by and through their attorneys, Macco & Stern, LLP, hereby moves the Court for an order excusing the appearance of Christine Rockson-Gismondi (“Christine”) at the First Meeting of Creditors (the “§341 Meeting”) pursuant to §341 of title 11 of the United States Code (the “Bankruptcy Code”), and instead permit the §341 Meeting to be conducted only as against her husband, Jack Grismondi (“Jack”), the co-Debtor, and respectfully submits as follows:

1. On September 21, 2015 (the “Petition Date”), the Debtors filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code.
2. Thereafter, Kenneth P. Silverman, Esq. (the “Trustee”), was appointed the interim trustee of the Debtors’ estates
3. Pursuant to Bankruptcy Code §3341, the Trustee is scheduled to conduct the §341 Meeting on October 19, 2015 at the Court.
4. Christine is under the medical care of Luigi Buono, D.O., who, by letter dated September 23, 2015 (the “Letter”) has advised Christine’s attendance the §341 Meeting is inadvisable. A copy of the Letter is annexed hereto as Exhibit A.

5. Christine has a history of lumbar stenosis, pain in thoracic spine, and pain in joint involving her lower leg.

6. Christine has also had a knee replacement.

7. Due to these conditions, it is medically inadvisable for Christine to sit for a long period of time or drive a long distance.

8. The Debtors live in Peconic, New York, over an hour away from the Court.

9. Christine's spouse, Jack Grismondi, the co-Debtor herein, is fully and personally knowledgeable about the Debtors' income and assets.

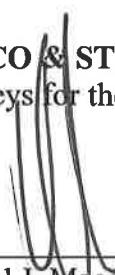
10. It is anticipated that Jack will be examined prior to the return date of this Motion and in the event the Trustee is not satisfied with Jack's testimony as it relates to Christine, the Trustee can timely object to the Motion.

**WHEREFORE**, the Debtors respectfully request that this motion be granted, and the requirement that Christine attend the §341 Meeting be waived, and instead permit the §341 Meeting to be conducted only as against her husband, Jack Grismondi, the co-Debtor.

Dated: Melville, New York  
September 28, 2015

**MACCO & STERN, LLP**  
Attorneys for the Debtors

By:

  
Michael J. Macco  
135 Pinelawn Road, Suite 120 South  
Melville, NY 11747  
(631) 549-7845

# EXHIBIT A

02/20/2010 16:25 FAX

004



Luigi Buono DO  
7905 Main Road  
Mattituck, NY 11952-0107  
Phone: (631)298-2030

09/23/2015

Christine Rockson Gismondi  
5655 Indian Neck Lane  
Peconic, NY 11958-

To Whom It May Concern,

The above patient is under my care. She has a long history of lumbar stenosis, pain in thoracic spine and pain in joint involving lower leg. Pt also had knee replacement. Due to the above conditions ,it is medically advisable that patient refrain from sitting for a long period of time or driving long distance. If you have any questions please contact my office.

Sincerely,

  
Provider: Luigi Buono DO 09/23/2015 03:22 PM

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

JACK GISMONDI and  
CHRISTINE ROCKSON-GISMONDI,

Case No. 15-74021 (LAS)

**AFFIDAVIT OF SERVICE**

Debtors.

STATE OF NEW YORK )  
                          ) ss:  
COUNTY OF SUFFOLK )

X

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides in West Islip, New York.

On September 28, 2015, deponent served the within:

**NOTICE OF DEBTOR'S MOTION TO EXCUSE APPEARANCE AT THE FIRST MEETING OF CREDITORS**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Office U.S. Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, NY 11722

Kenneth Silverman, Esq.  
Silverman Acampora LLP  
100 Jericho Quadrangle, Ste. 300  
Jericho, NY 11753

All interested parties on annexed service list



Carol Smith

Sworn to before me this  
28<sup>th</sup> day of September, 2015

/s/ Loni Bragin

Notary Public  
Loni Bragin  
Notary Public, State of New York  
No. 01BR6172194  
Qualified in Suffolk County  
Commission Expires August 6, 2018

290 Federal Plaza  
Central Islip, NY 11722-4437

Ally  
PO Box 380902  
Bloomington, MN 55438-0902

Ally  
Payment Processing Center  
PO Box 9001951  
Louisville, KY 40290-1951

Blackman - Riverhead  
PO Box 9400  
Uniondale, NY 11555-9400

Bridgehampton National  
Bank  
54970 Main Road  
Southold, NY 11971

Bridgehampton National  
Bank  
PO Box 3005  
2200 Montauk Highway  
Bridgehampton, NY 11932-4001

Chase  
Attn: Customer Service  
Mail Code: OH4-7302  
PO Box 24696  
Columbus, OH 43224-0696

Chase  
PO Box 15153  
Wilmington, DE 19886-5153

Chase  
PO Box 15298  
Wilmington, DE 19850-5298

Chase  
PO Box 78420  
Phoenix, AZ 85062-8420

Cutchogue East Plumbing  
& Heating, Inc.  
5655 Indian Neck Lane  
Peconic, NY 11958-1725

Discover  
PO Box 6103  
Carol Stream, IL 60197-6103

Discover Personal Loans  
PO Box 6105  
Carol Stream, IL 60197-6105

Eastern Long Island  
Hospital  
201 Manor Place  
Greenport, NY 11944-1298

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Maggio & Maggio  
1 Timothy Lane  
Saint James, NY 11780-1332

Peconic Bay Medical  
Center  
1300 Roanoke Ave  
Riverhead, NY 11901-2058

Richard Sokoloff  
Attorney at Law  
990 South Second Street  
Suite 1  
Ronkonkoma, NY 11779-7258

Ricky's Plumbing Supply  
31A Ponquogue Ave.  
Hampton Bays, NY 11946-1807

United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4456

hibu Inc.  
2201 Renaissance Blvd.  
King of Prussia, PA 19406-2707

Christine Rockson-Gismondi  
5655 Indian Neck Lane  
Peconic, NY 11958-1725

Jack Gismondi  
5655 Indian Neck Lane  
Peconic, NY 11958-1725

Kenneth P Silverman  
Silverman Acampora LLP  
100 Jericho Quadrangle  
Suite 300  
Jericho, NY 11753-2702

SEARCHED  
INDEXED  
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APR 2015  
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